

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Jo Ann Hardesty Commissioner Chris Warner Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #9263

COMMISSION MEETING TO BE HELD: MARCH 8, 2022, 12:30 PM

I. GENERAL INFORMATION

Street Vacation Request:	Portion of NE 42 nd Ave south of NE Halsey Street
Petitioner:	The proposed street vacation has been initiated by the City of Portland in connection with TriMet for the Hollywood Transit Center (HTC) and is shown on the attached map. The contact for TriMet is Fiona Cundy and can be reached at 503-457-3112 or cundyf@trimet.org . The contact at the City is Matt Grumm and can be reached at 503-823-3027.
Purpose:	The stated purpose for the vacation is to 1) allow for construction of a new ped/bike access to the Hollywood Transit Center and Laurelhurst neighborhood; 2) new TriMet and public infrastructure; and 3) to make the Hollywood Transit Center viable for a new 213-unit affordable housing development.
Neighborhood:	Hollywood Neighborhood Association
State ID:	1N1E36AA 100
Designation/Zone:	CM 3dm (Commercial Mixed Use 3 Design, Centers Main Street)



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II. FACTS

A. History and Background

The proposed right-of-way to be vacated is NE 42nd Avenue between the pedestrian overcrossing of I-84 and NE Halsey Street. The developed right-of-way presently serves as a connection for buses, bicycles, and pedestrians next to the adjacent Hollywood Transit Center. TriMet is proposing the development of the Hollywood Transit Center to include a high rise building that will house approximately 200 units of affordable housing. The proposed redevelopment seeks to vacate NE 42nd Avenue with portions of the right-of-way used to facilitate the site plan for the new development and portions designated a “paseo” path to be used as a public connection for bicycles and pedestrians. As part of the redevelopment, portions of the overpass’ stairway and ramp may be reconstructed.

B. Concurrent Land Use Actions

LU21-105637

C. The Transportation Element

In the 2035 Transportation System Plan, NE 42nd Ave is classified as a Neighborhood Walkway, Major City Bikeway, Local Service Transit Street, Local Service Truck Street, Local Design Street, Minor Emergency Response, and Local Service Traffic Street.

D. Neighborhood Plan

The Hollywood and Sandy Plan (2000) includes action items to increase mixed use development at the transit center, ensure pedestrian-friendly uses, and to add pedestrian improvements along NE 42nd Avenue.

III. APPROVAL CRITERIA FINDINGS

Title 17.84.025 Approval Criteria for Vacating Streets

A. In consideration whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:

- 1. The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.*

Comment: The right-of-way proposed for vacation is presently needed to provide a connection for pedestrian, bicyclists, and transit users. NE 42nd Avenue serves an important link between the I-84 overcrossing and NE Halsey St, as well as a potential connection point for the future Sullivan's Gulch Trail. As part of the proposed vacation and the redevelopment of the Hollywood Transit Center, the applicant proposes to develop a pedestrian/bicycle pathway that would maintain this function.

As part of the conditions listed in section IV below, the City will require that a public easement be maintained over the entire area proposed for vacation until a design for the public access infrastructure is at 30% design and approved by BDS Design Review, PBOT Engineering, and PBOT Planning prior to the City Council hearing. With this and the other conditions outlines in section IV, the criterion is met.

2. *The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints.*

Comment: The proposed vacation does not prevent the extension of, or retention of, public services, transportation and utility functions subject to the conditions identified in Section IV below. The vacated area is not identified as a view corridor or viewpoint. This criterion is met.

3. *Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location.*

Comment: The existing land use and transportation pattern in the area around the proposed street vacation supports the orderly and efficient manner of potential future extension of public services, transportation functions, and utilities subject to the conditions identified in IV below. The right-of-way proposed for vacation is not required for these purposes. This criterion is met.

4. *The vacation does not impede the future best use, development of, or access to abutting property.*

Comment: The area proposed for vacation does not impede the future best use, development of, or access to abutting property. The vacated right-of-way will be consolidated with the abutting properties. This criterion is met.

5. *The area of vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section 17.88.040 Through Streets.*

Comment: The area proposed for vacation is presently needed as part of an interconnected system of public streets. It serves as a needed pedestrian, bicycle, and transit connection for light rail and bus users, as well as for north-south pedestrian and bicycle travel. As part of the proposed street vacation and redevelopment of the Hollywood Transit Center, a pedestrian and bicycle path will be built to continue the needed north-south transportation function. As stated in Section IV below, the City will maintain an easement over the entirety of the proposed vacation until public works plans at 30% related to NE Halsey and the proposed path are approved by BDS Design Review and PBOT Traffic prior to the council hearing. With this and the other conditions in section IV, the criterion is met.

IV. IMPROVEMENT AND UTILITY CONSIDERATIONS

A blanket easement will be reserved over the entire area to be vacated for any utility company that may have facilities. The proposed street vacation request was reviewed by the following bureaus and agencies and is subject to the identified conditions:

PBOT Development Review	No objection subject to the following conditions: 1) property owner will grant a public access easement over the entire width of NE 42nd Ave; 2) retain the northern 19-ft of 42nd Ave Right-of-Way at the NE Halsey property line
PBOT Right-of-Way Acquisition	No objection
PBOT Parking Control	No objection
PBOT Transportation Planning	No objection subject to the following condition: A public walkway easement will be granted to the City over the entire area until such time as the final design and construction of related projects is complete and then the easement width may be reduced.
PBOT Permit Engineering	No objection
PBOT Signals & Street Lighting	No objection subject to the following condition: reduce vacation area on the north end to allow PBOT signal infrastructure to remain in public ROW.

PBOT Transportation Systems Management	No objection
PBOT Active Transportation	No objection subject to the following condition: the property owner will grant a public access easement to the City over the entire vacation area until such time as the final design of the public access from NE Halsey St to the transit center has been approved at which time the easement width can be reduced.
PBOT Bridges and Structures	No objection
Bureau of Development Services	No objection subject to the following condition: A lot consolidation is required for Lots 12&13, Blk44, Laurelhurst and must be recorded prior to or concurrent with street vacation ordinance.
Portland Water Bureau	No objection subject to the following condition: 1) water main in NE 42nd Ave must be abandoned from the connection in NE Halsey St approximately 220 ft to its terminus north of the OWR&N railroad ROW; 2) service to 4110 NE Halsey St must be relocated or abandoned; 3) existing hydrant in NE 42nd Ave must be relocated to a location in NE Halsey St
Bureau of Environmental Services	No objection subject to the following conditions: a 20-ft wide sewer easement be granted to City for existing 48" line to the south. Southern portion to allow for hammerhead turnaround. Easement may be relocated w/BES Director approval and granted easement will be released.
Portland Fire and Rescue.	No objection
Urban Forestry	No objection subject to the following conditions: 1) the 4 existing red maple trees must be preserved; 2) future landscape plans must be reviewed & approved by Urban Forestry Division
Portland Parks and Recreation	No objection subject to the following conditions: Property owner will grant a 30-foot easement to the City for a recreational trail
Bureau of Technology Services Corporate GIS	No objection subject to the following condition: TriMet will need to contact CenturyLink to have the address updated to match the current address of 4110 NE Halsey Street.
TriMet	No objection
Pacific Power	No facilities in the street area
Comcast	No facilities in the street area

ODOT	No objection
Port of Portland	No response
PGE	No facilities in the street area
CenturyLink	No objection
Northwest Natural	No facilities in the street area

V. NEIGHBORHOOD RESPONSE

Notice of this proposed street vacation request was provided to the Hollywood Neighborhood Association and Central Northeast Neighbors. No responses were received.

Notice of the Planning and Sustainability Commission meeting was sent to affected properties in the surrounding area.

VI. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

VII. TENTATIVE STAFF RECOMMENDATION

The staff recommendation is **approval** of the vacation of the area shown on Exhibit A, with conditions:

- Prior to the City Council hearing, the City will require that a public easement be maintained over the entire area proposed for vacation until a design for the public access infrastructure and NE Halsey are at 30% design and approved by BDS Design Review, PBOT Engineering, and PBOT Planning.
- Prior to recording the street vacation ordinance, the Petitioner shall comply with the other conditions set forth in IV. above.

The Portland Bureau of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning and Sustainability Commission's recommendation.

VIII. EXHIBITS

- A. Area proposed for vacation
- B. Aerial photo
- C. Street View photo
- D. Zoning Map

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cc: Sarah Johnston, Right-of-Way Supervisor
Lance Lindahl, Right-of-Way and Street Vacation Specialist

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